

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN BURTON,

Plaintiff,

vs.

C/O FOO, SERGEANT COOK, C/O
MALLORE, C/O KUHN and DR.
KENNEDY

Defendants.

NO. CV-07-069-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
SECOND AMENDED COMPLAINT

BEFORE THE COURT is Magistrate Judge Imbrogno's Report and Recommendation to dismiss Plaintiff's Second Amended Complaint without prejudice. In his preceding complaints in this action, Mr. Burton complained of a single isolated incident, occurring sometime in February 2007, shortly before he initiated this action. Plaintiff's allegations of speculative injury caused by the unidentified actions of unspecified Defendants failed to state a claim upon which relief could be granted.

Plaintiff has been released from incarceration and notified the Court of his intent to hire counsel to present his claims. He has filed no objections to the Report and Recommendation to dismiss this action without prejudice to Plaintiff filing a new and separate

1 action. Accordingly, **IT IS ORDERED** the Report and Recommendation (Ct.
2 Rec. 23) is **ADOPTED in its entirety. IT IS FURTHER ORDERED** the Second
3 Amended Complaint is **DISMISSED without prejudice.**

4 **DATED** this 1st day of November, 2007.

5 *S/ Robert H. Whaley*
6 ROBERT H. WHALEY
7 CHIEF UNITED STATES DISTRICT JUDGE
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